

REMARKS

In response to the outstanding Office Action, dated March 30, 2004, Applicants submit the following remarks.

In the outstanding Office Action the Examiner objected to claim 9. Claim 9 has been amended, thereby obviating the Examiner's rejection.

Claims 1, 10 and 12-13 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Des. 371,641 to Crowley (the Crowley reference). Claims 1-4 and 6-15 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. patent NO. 6,099,411 to Van Wagenen (the Van Wagenen reference). Claims 2-7, 11, and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Crowley reference. Claims 1-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,320,065 to Leopold (the Leopold reference). Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over the Van Wagenen reference.

Independent claims 1 and 14 have been amended to include that the enclosures are separate from one another and that each enclosure is formed from a generally flat blank folded at a plurality of fold lines to define a plurality of generally flat vertical walls. The Crowley reference does not teach or suggest a playhouse having separate enclosures that are formed from a generally flat blank folded at a plurality of fold lines to define a plurality of generally flat vertical walls. Instead, the Crowley reference discloses a single structure playhouse having a plurality of common floors and walls to define separate compartments. Because the playhouse of the Crowley reference is not made from folding generally flat blanks, the playhouse necessarily takes up a relatively large area for packaging and shipment. Also, the costs associated with the structure of the Crowley reference is also significantly higher than a playhouse formed of generally flat blanks.

Similarly, the Van Wagenen reference does not teach or suggest a playhouse having separate enclosures that are formed from a generally flat blank folded at a plurality of fold lines to define a plurality of generally flat vertical walls. Instead, the playhouse of the Van Wagenen reference discloses a multi-layer structure made of individual panels such that unique and varying structures can be assembled. However, the use of individual panels,

although permitting great flexibility in its architectural assembly, greatly increases the complexity of the assembly process, such as the use of interconnecting angle brackets.

The Leopold reference does not teach or suggest a playhouse having separate enclosures which are attached together. Although the Leopold reference does include an entry to provide for ingress and egress, the Leopold reference does not teach or suggest the use of a port in at least two enclosures to provide for pet movement between the two enclosures. Applicants respectfully do not agree with the Examiner that a second enclosure does not present patentably distinct limitation and would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely a duplication of a known part for a multiple effect to accommodate cats in a larger playing space. Even if multiple playhouses of the Leopold references were obvious, there is no teaching or suggestion in the Leopold reference to include respective ports in the enclosures to provide movement therebetween. There also is no teaching or suggestion that multiple playhouses are to be attached together. As Applicants have stated, the attachment of multiple enclosures provides stability for the combined structure. This stability is further increased if three or more enclosures are attached such that the longitudinal axes are oriented in a generally V-shaped pattern, as is in Applicants' invention as defined in claims 6 and 14. There is absolutely no teaching in the Leopold reference that three or more enclosures are attached such that the longitudinal axes are oriented in a generally V-shaped pattern. Applicants respectfully disagree with the Examiner that this is merely a change in orientation to accommodate certain space constraints and does not present a patentably distinct limitation. The offsetting of the axes provides stability for the combined structure compared to enclosures wherein the axes are in alignment. Furthermore, none of the references teach or suggest the use of three enclosures having at least five sides such that the longitudinal axes are configured to form a generally V shape, as is defined in claim 14.

For the above reasons, Applicants respectfully request withdrawal of the Examiner's rejection of claims 1 and 14 under 35 U.S.C. §102(b) and 35 U.S.C. §103(a). Claims 2-13 and 15-16 are dependent on claims 1 and 14, respectively, and for at least this reason they

also are patentable over the cited references. Therefore, Applicants request withdrawal of the rejection of the claims 1-16 under 35 U.S.C. §102(b) and 35 U.S.C. §103.

In view of the amendments and above remarks, it is believed that the application is in condition for allowance. Accordingly, an early Notice Of Allowance is respectfully requested.

Any fees due in connection with this Amendment should be charged to Deposit Account No. 13-0005.